THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 2694 of 2006

DATED 17.02.2006

Between:

Bhaskara Trading Company

..... PETITIONER

AND

The Joint Collector and another

.....RESPONDENTS

THE HON'BLE MR JUSTICE GODA RAGHURAM

–

WRIT PETITION NO : 2694 of 2006

ORDER:

The petitioner is a fair price shop dealer of shop No.9, Tagarapuvalasa Vilage, Bheemunipatnam Mandal, Visakhapatnam District.

The second respondent inspected the shop of the petitioner on 25.01.2006, seized the commodities on allegation of there being excess rice and a short fall in kerosene and wheat. Immediately report was recorded and a case under Section 6-A of the Essential Commodities Act, 1955 registered.

The petitioner's complaint is that the authorities have failed to weigh the available stocks and have proceeded on a speculative assumption that each bag contains 50 kilos of rice. They arrived at the total quantum of rice in the shop on the basis of such assumption. The petitioner contends that each bag contains less than 50 kilos of weight and if the actual weight of the rice was taken, there would be no discrepancy beyond the permissible variation limits. It is also the petitioner's complaint that the coupons in respect of the kerosene supplied to the petitioner were not obtained from him and if these are taken into consideration there would be no shortfall of the stocks of kerosene. He has also a defence in respect of the alleged short fall of wheat. In the writ petition however, the principal relief sought by the petitioner is with regard to the reweighment of the rice.

At the admission hearing, it is reported by the learned Government Pleader for Civil Supplies that the second respondent has ordered for disposal of seized commodities by an order dated 02.02.2006. The learned counsel for the petitioner, however, submits that as on date the seized stocks have not been sold.

In the circumstances, the writ petition is disposed of directing the respondents

to reweigh the stocks of the seized commodities, in particular the rice stocks, if the stocks have not already been sold by today. The re-weighment shall be done in the presence of the petitioner within a period of seven days from today. The learned Government Pleader for Civil Supplies is directed to telephonically instruct the respondents not to dispose of the stocks if not already disposed of, by 11.30.A.M. today i.e. 17.02.2006.

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17-02-2006

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Note: CC by Monday